

## **CPC Minutes of February 23, 2010**

A regular meeting of the City Plan Commission (CPC) was held on Tuesday, February 23, 2010 at 4:45 p.m. in the Department of Planning and Development 4<sup>th</sup> Floor Auditorium, 400 Westminster Street, Providence, Rhode Island 02903.

### **OPENING SESSION**

Call to Order: Vice Chairman Bilodeau called the meeting to order at 4:55 p.m.

Members Present: Vice Chairman Harrison Bilodeau, Meredyth Church, Andrew Cortes and Bryan Principe. Samuel Limiadi arrived at 5:15 pm.

Members Absent: Chairman Stephen Durkee, Drake Patten.

Staff Present: Robert Azar, Choyon Manjrekar, Melanie Jewett, Adrienne Southgate, City Solicitor.

### **PROVIDENCE TOMORROW**

#### **Neighborhood Plan Presentation – Charles/Wanskuck**

Mr. Azar requested that the Charles/Wanskuck Plan be heard first to accommodate Councilman Narducci. Councilman Narducci thanked the Department of Planning and Development (DPD) and everyone involved with the preparation of the plan, and said he wanted to move forward. He spoke of neighborhood concerns including parks, upgrading the business district and safety. Mr. Azar said he appreciated the Councilman's input.

No public comment was made.

Mr. Cortes made a motion, seconded by Mr. Principe, to adopt the Charles/Wanskuck neighborhood plan.

The Commission resumed consideration of items from the opening session.

Approval of the meeting minutes from December 1<sup>st</sup> 2009: Mr. Principe made a motion, seconded by Mr. Cortes, to approve the revised meeting minutes of December 1<sup>st</sup> 2009. All voted in favor.

Approval of the meeting minutes of January 19<sup>th</sup> 2010: Mr. Cortes made a motion, seconded by Mr. Principe, to approve the meeting minutes of January 19<sup>th</sup> 2010. All voted in favor.

Presentation to Commission members regarding Ethics Commission Filing requirements: Ms. Southgate made a presentation to Commission members regarding filings with the Rhode Island Ethics Commission. She said that she had heard from the Ethics Commission that in 2004, the City Clerk deleted the members of the CPC from the list of mandated recorders in response to guidance from the State Ethics Commission. She said that the elimination was an error and that members are required to file statements of their financial position, which are due in March 2010. She said that Board members need to contact the Ethics Commission for assistance with filing their statements for the current and previous year. Ms. Southgate stated that new members needed to file their statements one year before their appointment.

Mr. Azar said that he had received requests that the “Shooters” item be heard before the presentation of the West End/Federal Hill/Reservoir plan. He said that he had no problem with the schedule, but requested that the Commission hear the scheduled Land Development Project before the Shooters plan. Mr. Cortes suggested that the Land Development Project be heard first. All members agreed.

## **LAND DEVELOPMENT PROJECT**

### **Case No. 09-050MA – 395 Promenade Street (Master Plan Approval)**

Mr. Azar introduced the project, which is located on the original site of the Sheraton Four Points hotel. He said that the project involves selective demolition and construction of new buildings and would expand the Rhode Island Blood Center, conforming to the dimensions of the M-1 zone.

Keith Davignon and James Hughes of Vision 3 architects presented the project. Mr. Davignon said that the development is required for expansion of the existing building on the adjacent lot as it could not support a modern laboratory facility. He reviewed the scope of the project from a site plan and requested that the board approve demolition of the buildings on site. Mr. Hughes presented an overview of the new development, outlining the demolition, means of connecting the new building to the old, parking and landscaping. He said that the development met all zoning requirements. The footprint of the new building will be similar to the existing development. Mr. Davignon pointed out that the site access from Bath Street was already existing and not newly created.

Mr. Principe asked about the connection between the two buildings. Mr. Davignon said that the accesses would be covered. He said that he would be involved with the Historic District Commission as the design of the building progresses. Mr. Cortes asked about possible traffic impacts from the development. Mr. Davignon said that the effect would be minor as the new building would involve moving existing workers into it. Mr. Bilodeau asked if further expansion was expected. Mr. Davignon said that some expansion may be possible. Ms. Church asked if the Narragansett Bay Commission had been contacted for the waste disposal plan. Mr. Azar said that would be relevant at the preliminary plan phase. Mr. Principe asked if the applicant was pursuing LEED certification. Mr. Davignon said that the design would be as “green” as possible. Mr. Cortes asked about plans for the flat building roof. He suggested that a green roof could be appropriate for the building. Mr. Davignon said that more details on building design will be available at the preliminary plan phase. Mr. Principe said that the Bath Street entrance could help to reduce the impact of traffic. Mr. Davignon explained how traffic circulation would work on site.

A discussion ensued on access to and from the site.

Mr. Limiadi asked about natural light entering the building. Mr. Davignon said that means to increase the amount of light would be considered.

No public comment was made. Mr. Azar read the DPD’s findings from the staff report and said that the development was in conformance with the Zoning Ordinance and Comprehensive Plan. He recommended that the Master Plan be approved with the condition that the preliminary plan incorporate all the required elements from the preliminary plan checklist. In addition, the applicant is required to fulfill the DPD’s recommendations that an erosion control and stormwater management plan be presented, the applicant explore installation of a fire hydrant and present details of a waste disposal plan at the Preliminary Plan stage. A condition for installing more transparency was deleted. He said that the Commission would need to decide on demolition of the buildings.

Mr. Cortes made a motion that was seconded by Mr. Limiadi, to approve the Master Plan and proposed demolition per the findings of fact and conditions in the DPD's staff report with the added condition that the applicant explore the most "green"/ energy efficient building design at the Preliminary Plan stage. All voted in favor.

## **PROVIDENCE TOMORROW**

**College Hill/ Fox Point /Wayland (CH/FP/W) Neighborhood Plan** – Discussion of development potential of "Shooters site."

Mr. Bilodeau introduced the project and invited comments from the Commission. Mr. Cortes asked for clarification if action would be taken or if the item would just be further discussed. Mr. Azar said that the item was continued from the previous month and that the discussion was meant to determine the regulation of the site, including matters like the use and permitted height. Mr. Cortes asked if action was required immediately. Mr. Azar said that no zoning was currently written for the site as it had been excluded from the neighborhood plan to be considered separate from the neighborhood plan. Mr. Bilodeau said that a decision was required for the site. Mr. Principe said that since the item was continued from the past month, he believed that the Commission had the option to take action on the item. Ms. Southgate said that the language was identical to the previous agenda and that she did not believe that the commission could vote on the matter. Mr. Bilodeau said that since the item had been continued multiple times, action was required at some point. Mr. Limiadi said that the neighborhood plans were approved with the intent of determining the outcome of the parcel in the future. Mr. Cortes said that he felt that it was the discussion that was being continued. Mr. Azar said that the CH/FP/W plan was approved but did not indicate changes for the Shooters Site. The item was continued but wasn't a reconsideration of the plan. He said that the discussion should be to start talking about the site and necessary revisions to the Zoning Ordinance. Ms. Southgate said that she was under the impression that a discussion about the regulatory aspect of the Shooters site would be held in the future. She said that she was unable to give an estimate of what the consequences of taking a specific action in the regulatory context would be. She said that the conversation about regulatory changes was an important one and should be open to public comment for those who want to speak on the topic.

Mr. Andrew Teitz requested to be heard. He said that he disagreed with Ms. Southgate and felt that the Commission should be able to vote on the matter. He said it was his opinion that since the Shooter's site was part of the "Fox Point waterfront," which was continued from the December 15<sup>th</sup> CPC meeting due to inconsistency between the Waterfront Plan and the CH/FP/W, it could be voted upon. Mr. Azar said that the Waterfront plan was already approved, with the intention of discussing Shooters in the future and that the discussion should occur. Mr. Cortes agreed. Mr. Azar said that the discussion on zoning the site was required. Mr. Bilodeau said that a decision was needed in regards to residency and height. Mr. Limiadi said that he thought the site should be a public space based on testimony he heard and did not want to see it become private space with limited access with a height restriction. Mr. Principe said that since the site could experience high flood waters, it was unsuitable for residences. The presence of a tugboat company also made it unsuitable to exist with residences. He said that development of residences could diminish neighboring property values, which would not result in a major net gain. A waterfront tourist destination and maritime connectivity with Newport could increase sustained business and tourism. Ms. Church said she agreed with Mr. Limiadi and Mr. Principe. She said that residences were unsuitable for the site. Mr. Cortes said that he did not prefer residences on the site as it would limit public access to the waterfront and a tall building would not be appropriate. Mr. Bilodeau asked for a motion. Mr. Azar said that the issue of a hotel was another possibility on site and wanted to know where the commission stood on the matter. Public access was

important to the site and height needed to be discussed as well. Mr. Cortes asked what was allowed in the W-2 zone. Mr. Azar said that it allows multifamily residences, hotels, services, retail and restaurants. Mr. Bilodeau asked if the Commission would want to take away the multifamily use from the parcel and impose a height restriction. Mr. Azar said that the ordinance limited height to 6 stories not to exceed 75 feet with two stories added in exchange for certain incentives. He said the lot coverage also needed to be considered. He said that the manner in which views were presented also needed to be considered.

Mr. Limiadi asked for the levels of Waterfront Zoning. Mr. Azar explained that there are three zones, W-1, W-2 and W-3. W-3 is currently intended for heavy industrial uses but a new W-4 zone is intended for the area south of Thurbers Avenue. W-3 would apply for the northern portion of Thurbers Avenue. W-1 has a 45 foot height limit. W-2 along India Point Park does not have a limit for maximum lot coverage, which needed to be addressed for preservation of view corridors. Mr. Limiadi asked about the usage of the W zones. Mr. Azar said that W-1 permits single and two family dwellings and W-2 permits three and multifamily dwellings. No more than 30 rooming units in a hotel are permitted in a W-1 zone, but are permitted in the W-2. Both allow for office and retail uses. Mr. Bilodeau called for a motion that addressed residential uses and height. Mr. Azar asked if Shooters would be spot zoned or if the discussion would be for the entire zone. Mr. Bilodeau said that the discussion related to the Shooters site. Mr. Cortes said that he would prefer to hear from the public in terms of taking an action on the site. Ms. Jewett said that based on her reading of the agenda, the discussion was based on the approved CH/FP/W neighborhood plan. She said that the commission had not asked the DPD to amend the plan and that it was her understanding that the item only called for a discussion. Mr. Bilodeau said that action was required on the plan.

Mr. Principe made a motion, seconded by Mr. Limiadi, that the DPD revise the CH/FP/W and Waterfront plan referencing Zoning of parcel 10 – Shooters Site – to be consistent by prohibiting residential uses while allowing other W-2 uses in all instances where the parcel is mentioned. All voted in favor except Mr. Cortes, who abstained.

## **PROVIDENCE TOMORROW**

### **Neighborhood Plan Presentation –West End/Federal Hill/Reservoir (WE/FH/R)**

Mr. Azar said that the plan had been presented and the board could take action on the plan if desired. He read into the record a letter sent in by Steven Kane which requested that a 75 foot height restriction be placed on buildings along the Service Road. Ms. Jewett spoke about how the plan addressed neighborhood comments and said that the height of buildings along the service road was the only issue that needed to be finalized. She said that placing a height restriction could encourage developers to seek variances from the Zoning Board rather than approach the CPC. She said it would be preferable for developers to request additional height from the CPC in exchange for provision of certain amenities on the site. She said the Zoning Board may be averse to granting more relief after the board had done so. According to a survey she had conducted of buildings along the Service Road, buildings like Dominica Manor and Crossroads already exceeded 6 stories. Mr. Bilodeau inquired about the dimensions of Land Development Projects. Mr. Azar clarified that the criteria for Land Development Projects had changed when the Zoning Ordinance was modified in 2009 and explained the new criteria to the Commission. He said that the Commission could grant extra height in exchange for provision of amenities. He said that applicants before the Zoning Board frequently cannot meet the criteria for a variance but are granted relief. The Zoning Ordinance requires the Commission to look

at the context of a project. He also spoke of the possibility of building faces orienting themselves to the downtown or the neighborhood.

Mr. Azar continued to speak about new buildings, extra height and the Land Development approval process.

Ms. Kari Lang of the West Broadway Neighborhood Association (WBNA) said she was in favor of the plan except for the height. She said that residents at the neighborhood charrette felt that 75 feet was the most suitable height and wanted it to be the maximum allowable height mentioned in the plan. She wanted the height transition of buildings to address downtown. Taller buildings were built prior to the current comprehensive plan and that the height limit was imposed in response to those buildings. She said that residents were unaware of additional height being requested at the charrette and said that 24 additional feet would bring building 75 foot building height closer to 100 feet. A 45 foot limit would be more suitable to keep buildings within the 75 foot limit proposed by the neighborhood. She introduced a map of a neighborhood height survey and a topography chart into the record in support of the 75 foot height limit. She said tall buildings would create more parking lots, which would be unattractive and Downtown would be more suitable for height increases.

Councilman Lombardi said that the solution could satisfy all parties concerned. He said the neighborhood wanted a height transition between Dean Street and the Service Road by limiting buildings to 75 feet. He said that the topography of the neighborhood makes buildings appear taller and wanted to see buildings act as a gateway to the neighborhood, not as a wall cutting off the neighborhood. He requested that the CPC act to impose the 75 foot maximum limit.

Ms. Filomena Lupo asked to correct a date on the letter she submitted to the CPC and read it into the record. The letter asked to limit building height to 75 feet as it was a priority of the neighborhood charrette. She asked the CPC to set a height limit of 45 feet to allow for extra height within the proposed 75 foot limit and to hold developers accountable to granting the amenities if they wanted to have additional height. Michael Seymour said that granting one exception could lead to other relief being granted. Ann Tait, president of the WBNA said that variances were granted too liberally and asked the commission to lower the height limit to 45 feet. She asked to change the zoning on a small area in Federal Hill mistakenly labeled as a Downtown D-1 zone. She said that she would like to see more development like the Federal Hill Walgreens, which was well designed and provided a neighborhood drugstore. David Riley compared the waterfront to the WE/FH/R plan and said they were similar.

Mr. Bilodeau asked if the commission could set a 75 foot height limit inclusive of the height limits set by the Commission. Mr. Azar said that the Zoning Ordinance was written in a manner that would allow development to be evaluated by the CPC for design and appropriateness. The Commission could also choose to deny the height allowance. Ms. Jewett said that she felt the height of development proposals had been scaled down to allow for the 75 foot height limit plus allowances, which she believed to be a compromise. Mr. Limiadi asked if there were height restrictions set for any other corridors within the City. Mr. Azar said that there have been suggestions to create denser nodes in certain areas and limit height to three stories in others. He said that the Service Road presented a different case as it was an edge against an interstate highway. Mr. Limiadi asked about the possibility of all buildings being around 99 feet and out of character with the neighborhood. Ms. Jewett said that the building faces facing the highway would be more reflective of the neighborhood than what faced the highway.

Mr. Principe inquired if the erroneous D-2 zoning on Mountain Street had been removed. Ms. Jewett said the change had been made to the plan. Mr. Principe said that variances could be sought to increase building height to well over what was required. He said that it would be more beneficial to impose a 75 foot height limit inclusive of the CPC height allowances as incentives could not be guaranteed due to economic conditions. He said he would be open to a maximum height of 50 feet with 25 extra feet sought through granting incentives. He said that development of the Service Road could serve different needs and that the community had stated their preference for it. Height over 75 feet could be discussed in the future if required. Ms. Church seconded Mr. Principe's comments and said that maintaining the current massing and scaling is important. Mr. Cortes said that he preferred buildings like the proposed Walgreens on Atwells Avenue because it was tall without feeling imposing. He said that he did not associate the Service Road with the neighborhood's character. However, since the neighborhood had stated their preference, he said that he was in favor of maintaining the existing 45 foot height limit, with an extra 24 feet allowed through granting incentives.

A discussion ensued on possible building heights and incentives to be granted.

Ms. Tait said that there she wanted to see development along the Service Road, but at a scale in character with the neighborhood. Mr. Bilodeau said that extra height should only be granted in exchange for well designed buildings. Mr. Azar suggested that the commission should impose a minimum height of two stories. A discussion ensued on possible heights limits and incentives. Mr. Cortes made a motion, seconded by Mr. Principe to permit a minimum height of two stories, with four stories allowed by right and an extra 2 stories granted for provision of incentives, not to exceed 75 feet. All voted in favor.

Mr. Cortes made a motion to adopt the WE/FH/R plan as amended with the new height limits for building along the Service Road. Ms. Church seconded. All voted in favor.

Mr. Cortes made a motion to adjourn the meeting. Mr. Principe seconded. All voted in favor.

The meeting adjourned at 7:25 pm.

Respectfully submitted,

A handwritten signature in dark ink, appearing to be 'C. Manjrekar', with a stylized flourish at the end.

Choyon Manjrekar  
Recording Secretary